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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,882

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Markus Harnisch

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03/21/2008

NXP, B.V.

NXP INTELLECTUAL PROPERTY DEPARTMENT

M/S41-SJ

1109 MCKAY DRIVE

SAN JOSE, CA 95131

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

03/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/541,882	Applicant(s) HARNISCH ET AL.	
	Examiner Sharad Rampuria	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Disposition of the claims

- I. The current office-action is in response to the amendments filed on 12/21/2007.

Specification

- II. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 4-5, 7-12, 14-21, 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bjorndahl**; **Per** [US 6396612 B1] in view of **Sood**; **Prem et al.** [US 6377811 B1].

Regarding claims 1, 11, and 20, Bjorndahl teaches the communication partner device, the circuit for a communication partner device, and the communication enabling method for enabling communication over a first communication channel between a communication partner device

which belongs to a communication system having at least two such communication partner devices and [Bjorndahl: C1, L9 - 11; Figure 2] which is designed to communicate with another communication partner device of the communication system over a first communication channel, [Bjorndahl: C3, L66 - 67; Bjorndahl: C4, L1 - 5; Figure 2, 20 - 21] wherein one of the two communication partner devices contains a communication enable information item which is used to enable communication between the one communication partner device and-the other communication partner device over the first communication channel, and [Bjorndahl: C5, L54 - 58] which is designed to interact with an electrical circuit, which circuit has circuit parts for forming communication means which are designed for contact less communication with communication means of the other communication partner device over a second communication channel and which, [Bjorndahl:C4, L34--38; F3] in the event of communication over the second communication channel, are designed to make available the communication enable information item (encryption key), necessary for enabling communication over the first communication channel, in the communication partner device which prior to communication over the second communication channel does not yet contain the communication enable information item (encryption key). [Bjorndahl: C5, L14-17, L22 - 27, and L61 - 65]

Bjorndahl doesn't teach specifically, wherein the electrical circuit includes a plurality of interfaces configured for communication over the first communication channel. However, **Sood** advocates in an analogous art, that wherein the electrical circuit includes a plurality of interfaces configured for communication over the first communication channel. (Col.9; 17-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bjorndahl including wherein the electrical circuit includes a plurality of interfaces configured for

communication over the first communication channel in order to provide a method to permit a mobile phone the options of line-selection and direct station selection (DSS).

Regarding claims 2, 12, and 21, Bjorndahl teaches the communication partner device, the circuit, and the method as claimed in claims 1, 12, and 20, wherein the communication means are designed to make available the communication enable information item (encryption key) directly after the start of communication over the second communication channel. [Bjorndahl: C5, L61-65; Figure 2]

Regarding claims 4, 14, and 23, Bjorndahl teaches communication partner device, circuit, and method as claimed in claims 1, 11, and 20, wherein the communication means are designed to receive the communication enable information item (encryption key), contained in the Other communication partner device, over the second communication channel, and [Bjorndahl: C5, L22 - 27] wherein the circuit has a provision stage which is designed to provide the communication enable information item (encryption key), received by the communication means, for enabling communication over the first communication channel. [Bjorndahl: C5, **L13 - 18]**

Regarding claims 5 and 24, Bjorndahl teaches the communication partner device and the method as claimed in claims 1 and 20, wherein communication start means are provided which are designed to interact with the communication means and are designed to use the communication enable information item (encryption key) of the other communication partner device, [Bjorndahl:

C5, **L34- 38]** which can be made available, to start communication with the other communication partner device over the first communication channel as soon as the communication enable information item (encryption key) has been made available by the communication means. [Bjorndahl: C5, **L38 -40]**

Regarding claims 7, 16, and 26, Bjorndahl teaches all the particulars of the claim except, wherein the communication enable information item contains an interface type information item which indicates the interfaces that are available in the communication partner device for communication over the first communication channel. In related prior art, **Sood** specifically discloses the communication partner device, circuit, and method as claimed in claim 1, 11, and 20, wherein the communication enable information item contains an interface type information item which indicates the interfaces that are available in the communication partner device for communication over the first communication channel. [Col.9; 17-33]

Regarding claims 8, 17, and 27, Bjorndahl teaches all the particulars of the claim except, wherein the communication enable information item contains, in addition to the interface type information item, an interface preference information item which signifies one of the interfaces that is preferred in the communication partner device containing the communication enable information item. In related prior art, **Sood** specifically discloses the communication partner device, circuit, and method as claimed in claim 7, 16, and 26, wherein the communication enable information item contains, in addition to the interface type information item, an interface preference information item which signifies one of the interfaces that is preferred in the

communication partner device containing the communication enable information item. [Col.9; 17-33]

Regarding claim 9, **18, and 28**, Bjorndahl teaches the communication partner device, circuit, and method as claimed in claims 1, 11, and 20, wherein the communication enable information item (encryption key) contains an interface designation information item which signifies an interface that is available in the communication partner device containing the communication enable information item (encryption key), which interface is designed for communication over the first communication channel. [Bjorndahl: C3, L20 - 25; C5, L34 - 38]

Regarding claims 10, 19, and 29, Bjorndahl teaches the communication partner device, circuit, and method as claimed in claims 1, 11, and 20, wherein the communication enable information item (encryption key) contains a communication partner designation information item which signifies the communication partner device that contains the communication enable information item. [Bjorndahl: C5, L54-58]

Regarding claims 15 and 25, Bjorndahl teaches the circuit and the method as claimed in claims 11 and 20, wherein the circuit has an interrogation stage which is designed to interrogate the communication enable information item contained in the communication partner, and [Bjorndahl: C4, L49 - 51; Figure 3] wherein the communication means are designed to transmit the communication enable information item, which can be interrogated, to the communication

means of the other communication partner device over the second communication channel.

[Bjorndahl: C5, L22- 27]

Claims 3, 13, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorndahl & Sood further in view of Nyberg et al. (US PG Pub **200210186846**).

Regarding claims 3, 13, and 22, the above combination teaches the communication partner device, circuit, and method as claimed in claims 2, 12, and 21, wherein the communication means are designed, in the event of communication over the second communication channel, to communicate in accordance with a communication protocol, and [Bjorndahl: C2, L21 -24; C5, L46 -49] However, Bjorndahl fails to specifically teach that the communication means are designed to make available the communication enable information item (encryption key) by using at least one of two activation commands of the communication protocol and that the activation commands can be communicated between the two communication partner devices in accordance with the communication protocol as first commands over the second communication channel and are provided in order to activate communication in compliance with the communication protocol. In related prior art, Nyberg specifically discloses that the communication means are designed to make available the communication enable information item (encryption key) by using at least one of two activation commands of the communication protocol, [Nyberg: P1, L19 -28] which activation commands can be communicated between the two communication partner devices in accordance with the communication protocol as first commands over the second communication channel and are provided in order to activate

communication in compliance with the communication protocol.[Nyberg: P19, **L40 -46**] It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the dual channels of Bjorndahl with the two activation commands of Nyberg in order to better facilitate secure data communication.

Claim 6, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorndahl & Sood further in view of Kinoshita (PG Pub 2003/0007641).

Regarding claim 6, the above combination teaches that the circuit has an interrogation stage (processor) which is designed to interrogate the communication enable information item (encryption key) [Bjorndahl: C4, L49 - 51] However, Bjorndahl fails to teach that the communication partner device as claimed in claim 1, wherein the communication partner device has storage means (memory) which are provided for storing the communication enable information item contained therein, and that the communication means are designed to transmit the communication enable information item (encryption key), which can be interrogated, to the communication means of the other communication partner device over the second communication channel(wireless channel). In related prior art, Kinoshita specifically teaches that the communication partner device has storage means (memory) which are provided for storing the communication enable information item contained therein, and [Kinoshita: **P26**, L1 - 3; Figure 1, 31] and that the communication means are designed to transmit the communication enable information item (encryption key), which can be interrogated, to the communication means of the other communication partner device over the second communication channel

(wireless channel). [Kinoshita:P27, L3 - 9] It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the interrogation stage with the storage capability of Kinoshita in order to store the encryption key for further manipulation.

Response to Amendments & Remarks

IV. Applicant's arguments with respect to claims 1-29 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

V. Applicant's amendment (For illustration; since newly amended claims modified the above-disclosed rejection) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617